IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2193 OF 2005

Mr.Sandeep Deshmukh. ..Petitioner.

V/s.

State of Maharashtra & Anr. ..Respondents.

Mr.Kirit J.Hakani for petitioner.

Mr.Y.S.Shinde, APP for State.

CORAM: A.M.KHANWILKAR,J

DATE : NOVEMBER 30, 2005.

P.C. :

1. Preliminary objection is taken by the respondent herein who appears in person relying on the **Ashok Mehta V/s. State of Maharashtra & Ors. reported in 2005 Cri.L.J.3321** that the petitioner has efficacious alternative remedy of preferring revision for which reason, this petition should not be entertained. I find substance in the preliminary objection. It is not the argument of the petitioner that remedy of revision application is unavailable to the petitioner in the fact situation of the present case or for that matter it is not efficacious remedy. Viewed in this perspective, petition is disposed of with liberty to the petitioner to take out appropriate proceedings, as may be advised before the appropriate court.

2. If the petitioner applies for personal exemption before the concerned court, that application be considered according to the law.

3. Respondent complainant who appears in person fairly states that if revision application is filed by the petitioner within two weeks, he will not raise plea of limitation and even if there is delay, he will not oppose the prayer for condonation of delay, if made. That assurance is accepted.